

pay seventy-five cents for each day so ordered, shall be held to have complied with this section.

SEC. 40. That any person liable to work on said streets of said town who shall fail to attend and work as herein provided for when summoned so to do, unless he has furnished a substitute or paid seventy-five cents as aforesaid, shall be guilty of a misdemeanor and fined two dollars or imprisoned not more than five days.

Failure to work streets a misdemeanor. Penalty.

SEC. 41. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk shall have been established and graded, shall improve, in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the constable or chief of police to said owner, or if he be a non-resident of the county of Moore, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the town clerk for thirty days in some newspaper in Southern Pines, calling on the owner to make such repairs, the board of commissioners may cause the same to be repaired either with brick, stone or gravel, at their discretion, and the expense shall be paid by the person in default. Said expense shall be a lien upon said lot, and if it is not paid within sixty days after completion of the repairs, such lot or the interest of said lessee may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes; or an action for the collection of the costs of said repairs may be instituted in the Superior Court of Moore County in the name of Southern Pines against said owner or lessee, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said lot or the interest of said lessee, as the case may be, to satisfy the amount due the town by the owner or lessee as aforesaid.

Land-owners to improve sidewalks. Expense a lien on lot.

SEC. 42. That when any land or rights-of-way, within or without the corporate limits, shall be required by the said town of Southern Pines for the purpose of opening new streets, construction or extension of the water-works system or sewerage system or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the said town to be chosen by the board of commissioners and to be summoned by the constable on the warrant of the mayor, together with two freeholders to be selected by the party claiming damages, each of whom shall receive a per diem of one dollar. Before proceeding to view the premises and assess dam-

Procedure for condemnation of land.